THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.17752 of 2005

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Dated:09.03.2006

Between:

Smt.T.Krupamani.

..... PETITIONER

AND

The Government of Andhra Pradesh, Department of School Education rep. By its Principal Secretary, Secretariat, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.17752 of 2005

ORDER:

The petitioner filed the instant writ petition seeking a writ of mandamus declaring the action of the respondents in cancelling his admission in the B.Ed course for the academic year 2004-2005 in Christian Minority quota. Though the writ petition was admitted, this Court did not pass any interim orders.

In that view of the matter nothing survives in the writ petition. However, the learned Counsel for the petitioner submits that the Government of Andhra Pradesh

promulgated the Andhra Pradesh Private Minority (Aided/Un-Aided) Colleges of Education (Regulation of Admissions into B.Ed Course through Common Entrance Test), Rules, 2005, which provide in Rule 3(iii) that a candidate should necessarily have 45% marks and above in the qualifying examination i.e., B.A/B.Sc/B.Com/B.Sc (Home Science)/BCA/BBM. According to the learned Counsel, when an entrance test is resorted to, again imposing a minimum aggregate in the qualifying examination, is illegal and arbitrary.

This question raised is no more *res integra*. In a decision rendered by this Court in **C.Shiva Kumari v. Director, Vacation Courses in Education, Institute of Advanced Study in Education, Osmania University, Hyderabad**, having regard to the regulations made by the National Council for Teacher Education Act, 1993, and the National Council for Teacher Education Regulations for B.Ed. admission, this Court held as under.

> In **Giri Raju Govada's case** (supra), the Rules for admission to PG course in Management and Information Technology prescribing 55% marks in the qualifying examination in the case of Scheduled Caste candidates was challenged. The Division Bench of this Court dealing with the said question held that when the rules provide for minimum qualifying marks for appearing in the entrance test, no authority can do a thing, which the law or the rule does not permit, and if the University is directed to admit students who do not possess the requisite qualification viz., 55% marks in the qualifying examination, the Court will be creating a very bad precedent.
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> Therefore, it should be held that there is no arbitrariness in prescribing 45% marks minimum in Part II of degree examination. The contention of the learned Counsel for the petitioner that the Regulation violates Articles 14 and 21 of the Constitution is also to be rejected for the same reason.

In view of the same, the Writ Petition is devoid of merits and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

09.03.2006

vs